



BDW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Patrick Miles et al. Examiner: Unknown  
Serial No.: 10/759,811 Group Art Unit: 3764  
Filed: January 16, 2004 Docket: 039US1  
Title: SURGICAL ACCESS SYSTEM AND RELATED METHODS

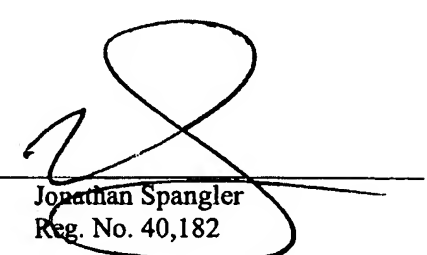
**MS Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ Return postcard
- ☒ Supplemental Information Disclosure Statement (2 pgs)
- ☒ Form 1449 (3 pgs)
- ☒ Copies of 15 cited documents

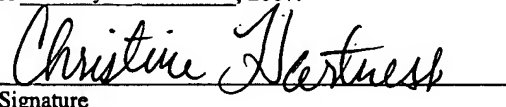
**Customer Number: 30328**

By

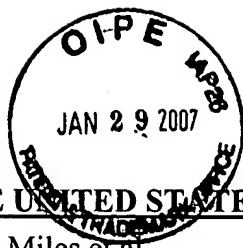
  
Jonathan Spangler  
Reg. No. 40,182

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 25th day of January, 2007.

Christine Hartness

  
Signature

S/N 10/759,811



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Patrick Miles et al.	Examiner:	Unknown
Serial No.:	10/759,811	Group Art Unit:	3764
Filed:	January 16, 2004	Docket:	039US1
Title:	Surgical Access System and Related Methods		

---

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

**MS Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the referenced materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Supplemental Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Supplemental Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 50-2040 in order to have this Supplemental Information Disclosure Statement considered. The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.

Pursuant to 37 C.F.R. 1.98(a)(2), Applicant believes that copies of cited U.S. Patents and Published Applications are no longer required to be provided to the Office. Notification of this change was provided in the United States Patent and Trademark Office OG Notices dated October 12, 2004. Thus, Applicant has not included copies of any US Patents or Published Applications cited with this submission. Should the Office require copies to be provided, Applicant respectfully requests that notice of such requirement be directed to Applicant's below-signed representative. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Serial No :10/759,811

Filing Date: January 16, 2004

Title: Surgical Access System and Related Methods

Page 2  
Dkt: 039US1

Respectfully submitted,

PATRICK MILES ET AL.

By their Representatives,

**CUSTOMER NUMBER: 30328**

858-909-1807

Date

1/17/07

By

Jonathan Spangler  
Reg. No 40,182

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 25th day of January, 2007.

Christine Hartness

Christine Hartness  
Signature



Approved for use through 7/31/2008, OMB 0851-0001  
US Patent & Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<i>Complete If Known</i>	
				Application Number	10/759,811
				Filing Date	January 16, 2004
				First Named Inventor	Miles, Patrick
				Art Unit	3764
				Examiner Name	Unknown
Sheet	1	of	3	Attorney Docket No: 039US1	

US PATENT DOCUMENTS					
Examiner Initial *	Cite No	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
		US-1548184	08/04/1925	Cameron, W. J.	04/11/1923
		US-20020161415A1	10/31/2002	Cohen, E. et al.	04/26/2001
		US-20050004593A1	01/06/2005	Simonson, R. E.	07/26/2004
		US-20050004623A1	01/06/2005	Miles, P. et al.	04/30/2004
		US-20050075578A1	04/07/2005	Gharib, J. et al.	03/25/2004
		US-20050149035A1	07/07/2005	Pimentra, L. et al.	10/18/2004
		US-20050182454A1	08/18/2005	Gharib, J. et al.	01/09/2004
		US-2736002	02/21/1956	Oriel, B. J.	09/02/1952
		US-2808826	10/08/1957	Reiner, S. et al.	01/19/1956
		US-4164214	08/14/1979	Stark, M. M., et al.	07/25/1977
		US-4461300	07/24/1984	Christensen, J. M.	01/18/1982
		US-4562832	01/07/1986	Wilder, J. R., et al.	05/21/1984
		US-4573448	03/04/1986	Kambin, P.	10/05/1983
		US-5299563	04/05/1994	Seton, Joseph Z.	07/31/1992
		US-5480440	01/02/1996	Kambin, P.	07/07/1993
		US-5484437	01/16/1996	Michelson, Gary K.	01/10/1992
		US-5599279	02/04/1997	Slotman, G. J., et al.	01/29/1996
		US-5728046	03/17/1998	Mayer, H. M., et al.	03/18/1996
		US-5741253	04/21/1998	Michelson, Gary K.	10/29/1992
		US-5759159	06/01/1998	Masreliez, C. J.	09/25/1996
		US-5772661	06/30/1998	Michelson, Gary K.	02/27/1995
		US-5785658	07/28/1998	Benaron, D. A., et al.	06/07/1995
		US-5860973	10/30/1996	Michelson, Gary K.	01/19/1999
		US-5862314	01/19/1999	Jeddeloh, J.	11/01/1996
		US-5872314	02/16/1999	Clinton, R. P.	07/25/1997
		US-5902231	05/11/1999	Foley, K. T., et al.	10/24/1996
		US-5928139	07/27/1999	Koros, T. B.	07/08/1998
		US-6074343	06/13/2000	Nathanson, Michael et al.	04/16/1999
		US-6120503	09/19/2000	Michelson, Gary K.	09/05/1997
		US-6206826	03/27/2001	Mathews, H. et al.	06/18/1999
		US-6306100	10/23/2001	Prass, R. L.	12/16/1998
		US-6325764	12/04/2001	Griffith, R. L., et al.	11/10/1997
		US-6334068	12/25/2001	Hacker, D. C.	09/14/1999
		US-6425901	07/30/2002	Zhu, Y. H., et al.	12/04/1997
		US-6760616	07/06/2004	Hoey, M. F., et al.	05/18/2001

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1445)

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 8:09. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional) is Applicant is to place a check mark here if English language Translation is attached



PTO/S506a(07-06)  
Approved for use through 7/31/2008, OMB 0651-0031  
US Patent & Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

### INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete If Known

Application Number	10/759,811
Filing Date	January 16, 2004
First Named Inventor	Miles, Patrick
Art Unit	3764
Examiner Name	Unknown

Sheet

2

of

3

Attorney Docket No: 039US1

### US PATENT DOCUMENTS

Examiner Initial *	Cite No	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
		US-6902569	06/07/2005	Parmar, K. et al.	06/26/2003
		US-6929606	08/16/2005	Ritland, S.	05/13/2003
		US-7079883	07/18/2006	Marino, J. F., et al.	05/07/2003

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T <sup>2</sup>
		WO-03037170A3	05/08/2003	Miles, P., et al.	
		WO-05013805A3	02/17/2005	Miles, P., et al.	
		WO-2006042241A2	04/20/2006	Martinelli, S., et al.	

### OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

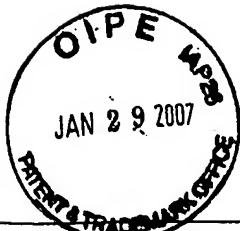
Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"Brackmann II EMG System", Medical Electronics, (1999), 4 pages	
		"Neurovision SE Nerve Locator/Monitor", RLN Systems, Inc. Operators Manual, (1999), 22 pages	
		"The Brackmann II EMG Monitoring System", Medical Electronics Co. Operator's Manual Version 1.1, (1995), 50 pages	
		"The Nicolet Viking IV", Nicolet Biomedical Products, (1999), 6 pages	
		ANDERSON, D. G., et al., "Pedicule screws with high electrical resistance: a potential source of error with stimulus-evoked EMG", Spine. 27(14); Department of Orthopaedic Surgery, University of Virginia, (Jul 15, 2002), 1577-1581	
		DANESH-CLOUGH, T., "The use of evoked EMG in detecting misplaced thoracolumbar pedicle screws", Spine. 26(12), Orthopaedic Department, Dunedin Hospital, (Jun 15, 2001), 1313-1316	
		DARDEN, B. V., et al., "A comparison of impedance and electromyogram measurements in detecting the presence of pedicle wall breakthrough", Spine. 23(2), Charlotte Spine Center, North Carolina, (Jan 15, 1998), 256-262	
		EBRAHEIM, N. A., et al., "Anatomic relations between the lumbar pedicle and the adjacent neural structures", Spine. 22(20), Department of Orthopaedic Surgery, Medical College of Ohio, (Oct 15, 1997), 2338-2341	
		HAIG, "Point of view", Spine 27 (24), 2819	

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached



PTO/US038a(07-05)  
Approved for use through 7/31/2008, OMB 0651-0231  
US Patent & Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for Form 1449/PTO			
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>			
<i>(Use as many sheets as necessary)</i>			
<i>Complete If Known</i>			
<b>Application Number</b>		10/759,811	
<b>Filing Date</b>		January 16, 2004	
<b>First Named Inventor</b>		Miles, Patrick	
<b>Art Unit</b>		3764	
<b>Examiner Name</b>		Unknown	
Sheet	3	of	3
Attorney Docket No: 039US1			

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.†	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T‡
		HAIG, A. J., et al., "The relation among spinal geometry on MRI, paraspinal electromyographic abnormalities, and age in persons referred for electrodiagnostic testing of low back symptoms", <u>Spine</u> , 27(17), Department of Physical Medicine and Rehabilitation, University of Michigan, (Sep 1, 2002), 1918-1925	
		HOLLAND, N. R., et al., "Higher electrical stimulus intensities are required to activate chronically compressed nerve roots. Implications for intraoperative electromyographic pedicle screw testing", <u>Spine</u> , 23(2), Department of Neurology, Johns Hopkins University School of Medicine, (Jan 15, 1998), 224-227	
		MINAHAN, R. E., et al., "The effect of neuromuscular blockade on pedicle screw stimulation thresholds", <u>Spine</u> , 25(19), Department of Neurology, Johns Hopkins University, School of Medicine, (Oct 1, 2000), 2526-2530	

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. † Applicant's unique citation designation number (optional). ‡ Applicant is to place a check mark here if English language Translation is attached